Court No.2

Writ Petition No. 613 (M/B) of 2003

Pyare Singh ..... Petitioner

Versus

State of Uttaranchal and others …… Respondents

Writ Petition No. 614(M/B) of 2003

Iqbal Singh …… Petitioner

Versus

State of Uttaranchal and others …… Respondents

……

Hon. P.C. Verma, A.C.J.
Hon. Irshad Hussain, J.

Both these writ petitions are interrelated and, therefore, they are being disposed of together.

Heard learned counsel for the parties.

The grievance of the petitioners is that they are the tenure holders of the small piece of land, which is needed by the State Government. The State Government negotiated with the petitioners for selling of the said land to which the petitioners raised objections. However, petitioners apprehend that the land may be acquired under the Land Acquisition Act. No order could be passed restraining the State Government to proceed for acquiring any piece of land, which is required by the State Government in public interest in view of the doctrine of eminent domain.

Learned counsel for the petitioners submits that adjacent to the land of the petitioner, there are other land that can be acquired by the State Government. If the State Government is willing to acquire the land in public interest, it will be equally useful in the public interest. Where a particular piece of land is required for public purpose, subject matter is to be decided by the State Government. The Court can not go into such questions. However, since the petitioners have made representation, it is expected that their representation shall be decided by speaking order. Thereafter, if the Government decides to proceed for acquisition of the land belonging to the petitioner, the State Government may do so.

With the aforesaid observations, the petition is disposed of.

Dt.16.07.2003 **(P.C. Verma, A.C.J.)**
A **(Irshad Hussain, J.)**